

WWF Contribution to the Thematic Report of the UN Special Rapporteur on Healthy Ecosystems and Human Rights : Sustaining the foundations of life

Introduction

The report of the Special Rapporteur on *Human rights and associated obligations related to healthy biodiversity and ecosystems* comes at a critical juncture. The COVID19 pandemic has more clearly than ever revealed the deep faults in our global economies and societies: both our staggering inequities and our dangerously unbalanced relationship with nature. We have an opportunity to build a green and just recovery. Ensuring global recognition of the tight bond between human rights and environmental health can leverage the sustainable decisions and actions we need to achieve that. This WWF contribution to the Special Rapporteur's report aims to support that ambition, one we are equally committed to. It includes contributions from multiple offices across the WWF network.¹

Responses to the Special Rapporteur's questions on healthy ecosystems and human rights.

Q.1: Please provide examples of ways in which declining biodiversity and degraded ecosystems are already having adverse impacts on human rights.

Declining biodiversity and degraded ecosystems have far reaching and diverse impacts on human rights across the world. Nature degradation, declining natural spaces and degradation of water catchment areas greatly impact the **right to a clean and healthy environment** and the **right to clean water** (Examples in Annex: Kenya, Australia, Brazil, Argentina). Declining wildlife populations and destructive fishing practices threaten the **right to food and food security** for communities whose livelihoods depend on biodiversity (Example in Annex: Malaysia); poaching and unrest can have severe impacts on the security of communities and indigenous populations (Example in Annex: DRC). Forest degradation and deforestation impact the **right to clean, healthy and sustainable environment, right to water, property, food, health, education, and security** (Examples in Annex: Malaysia, Tanzania, Colombia, Cameroon).

Deforestation exacerbates unstable and dangerous climate impacts, including floods, droughts, and decreased average rainfall; these in turn impact peoples' quality of life, livelihoods, and food security. Indigenous peoples and local communities whose livelihoods and well-being are directly linked to nature often bear the greater costs. Environmental deterioration from the intensification of livestock, agricultural and aquaculture practices negatively affects **indigenous and peasant rights** (Examples in Annex: Colombia, Chile, Bolivia). Land conversion and unsustainable land use impact the **right to clean, healthy and sustainable environment, right to water, property, food, health, education, and security** (Examples in Annex: Indonesia, Bolivia). Loss of nature also **curtails the attainment of gender equality**

¹ WWF Australia, WWF Bolivia, WWF Brazil, WWF Cameroon, WWF Chile, WWF Colombia, WWF Guatemala, WWF Indonesia, WWF International, WWF Kenya, WWF Malaysia, WWF Namibia, WWF Russia, WWF Tanzania, WWF US, Fundacion Vida Silvestre (Argentina); Wildlife Corruption Programme, WWF Forest Practice, WWF Governance Practice.

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and empowerment of women: women who depend on nature for their livelihood suffer more from biodiversity loss (Examples in Annex: Colombia, DRC). A recent [IUCN study](#) spotlights how “the damage humanity is inflicting on nature can also fuel violence against women around the world – a link largely overlooked”.

Q. 2: To protect a wide range of human rights what are the specific obligations of States and responsibilities of businesses in terms of addressing the main direct drivers of harm to biodiversity and ecosystems and indirect drivers

Several countries where WWF works have Constitutional and/or legal provisions establishing the right of people to a healthy environment. The Bolivian Constitution, for example, **establishes the right of people to a healthy, protected and balanced environment**, and empowers people to exercise legal actions in defense of that right. Brazil has strong environmental legislation that provides the **"right to an ecologically balanced environment, which is an asset of common use and essential to a healthy quality of life"**. Such a right is reinforced and detailed by federal, state and municipal legislation. Other countries have made international or national commitments to sustainable development that recognize the importance of healthy biodiversity to human well-being, including in corporate activities.

In many countries, however, these **provisions are not mainstreamed or enforced**. Policies are being implemented that undermine biodiversity in favour of the expansion of agricultural, mining, and forest exploitation. **Weak rule of law and law enforcement are also challenges**. Federal agencies in Brazil, for example, are under equipped and inadequately financed; state bodies are subjected to intervention from powerful, wealthy actors who challenge public policies and authorities. More generally, while there is increased understanding of corruption’s negative effects on environmental quality, and on human rights, **stronger articulation of the nexus of corruption, environmental degradation and human rights is needed** to build more effective responses. See additional information in the Annex.

Q.3. Please provide specific examples of constitutional provisions, legislation, regulations, policies, programs or other measures that employ a rights-based approach to prevent, reduce, or eliminate harm to biodiversity and ecosystems or to restore and rehabilitate biodiversity and ecosystems

In numerous countries where WWF works States have constitutional and other provisions promoting rights-based approaches, including in Colombia, Malaysia, Indonesia, Namibia, Bolivia, Brazil and Argentina. In Malaysia, for example, the Sabah Inland Fisheries and Aquatic Enactment 2003 gives recognition to the traditional “Tagal” (*prohibition* in the Kadazan language) system for rivers, which involves collective responsibilities and management of important resources such as land, river, forest, water catchment and wildlife. In Indonesia, a milestone constitutional court decision in 2012 established customary forests as a separate category that can be formally recognized as indigenous or community customary forests. In 2018, the Colombian Supreme Court declared the Colombian Amazon an “entity subject of rights”, requiring the government to reduce deforestation rates and fight climate change effects. More examples are included in the Annex.

Q.4.If your State is one of the 156 UN Member States that recognizes the right to a safe, clean, healthy and sustainable environment,² Has this right contributed to protecting, conserving and restoring biodiversity and healthy ecosystems? If so, how? If not, why not?

Policies to conserve and restore biodiversity exists in most countries; however, as a conservation organization we believe there is **mixed progress** in achieving this objective. Deforestation continues in **Colombia** due to weak governance while in **Malaysia**, the constitution does not explicitly provide for the right to a healthy environment. The **Russian Constitution** upholds people's right to a favorable environment, however the economic benefits from natural resources exploration often prevail over environmental interests.

The **legal framework in Namibia** has led to the formation of 86 conservancies, covering 20.2% of Namibia. Currently, 9% of Namibia's population are involved in conservancy management and 45.5% of Namibia's land mass is under conservation. In 2018, conservancies generated US\$10.39 million in income for communities. **Bolivia** has ratified a number of international instruments and recognizes the rights of indigenous peoples and local communities to sustainably use the natural resources in their territories. However, the State has not been able to control illegal activities that lead to increasing levels of environmental degradation. Degradation of ecosystems continues in **Argentina** due to weak implementation of laws. See more on these examples in the Annex.

Q.5 Please provide specific examples of good practices in preventing, reducing, or eliminating harm to biodiversity and ecosystems, or restoring and rehabilitating biodiversity and ecosystems. These examples may occur at the international, national, sub-national, or local level. Where possible, please provide evidence related to the implementation, enforcement, and effectiveness of the good practices

WWF works with governments and communities to promote good practices in biodiversity conservation. In the **Central African Republic**, the Dzanga-Sangha protected area simultaneously helps stabilize wildlife populations and improves livelihoods by employing 250 local people. **Colombia** expanded its protected areas to 4,923,515 hectares and made data on deforestation accessible, which encouraged local communities' close cooperation in conservation efforts. The State of Sarawak in **Malaysia** is supporting "System of Rice Intensification" (SRI) farming by members of the Ba' Kelalan community, using organic, chemical-free methods that result in increased yields, reduce soil and river pollution, and minimal forest clearing for paddy fields. In **Russia**, River Varzuga's degradation catalyzed WWF support to the local community to build structures to sustainably manage river resources. Within two years 150 fishing rules violations were recorded, raising public concern and resulting in behavior change and increase in salmon numbers from 893 (2017) to 6000 (2018). A new indigenous conserved area was established to conserve a 10 million hectare contiguous zone between **Bolivia and Paraguay**. In Indonesia, the Peat Restoration Agency was formed to carry out restoration of 2.67 million hectares of peatland and a moratorium was placed on the clearing and conversion of natural forest to prevent recurrent forest fires. In **Kenya**, WWF is working with the Siana Conservancy, where the Maasai community has set aside and pooled their land parcels to promote compatible land uses - wildlife conservation and controlled livestock grazing - and developed a more resilient, diverse but still largely

² See, A/HRC/43/53, Annex II.

traditional pastoralist community, also as an adaptation to the impact of climate change. See more on these examples in the Annex.

Q.6: Please identify specific gaps, challenges and barriers that your government, business, or organization has faced in attempting to employ a rights-based approach to preventing, reducing, or eliminating harm to biodiversity and ecosystems.

As a global conservation organisation WWF works across very diverse governance contexts. In **Colombia**, for example, informal land tenure systems are common, and restrict the rights of the local communities to build their livelihoods. The pressure to invest in economic development in **Malaysia** often outweighs sustainable management of natural resources, making minority groups more vulnerable to poverty and exploitation. Regional States in **Malaysia** raise revenue from lands, mines and forests -- this creates pressure on the environment on which IPLC depend. Restrictions in access to information in **Bolivia** makes communities unable to adequately exercise their rights, while gaps & inconsistencies in the environmental legal framework permeate illegal activities by **business**. **Indonesia** endorsed the UNDRIP but the draft law for the recognition and protection of IPs is still pending in parliament. Overall, there is a lack of follow-up action in general in countries that have endorsed the UNDRIP.

Finding effective and just solutions to prevent human rights abuses and environmental degradation driven by poverty, socio-economic conditions and political structures is critical and complex. In many cases a systems perspective is needed to understand and address pressures (disruption of traditional practices, influx of in-migrants, land grabs by powerful actors, climate impacts) through systems change that delivers more inclusiveness and equity, mainstream themes of the SDGs.

In such contexts, a conservation NGO like WWF can face particular challenges in applying a rights based approach including weak governance contexts, armed conflict, constraints on civic space and criminalization of human rights defenders, and non-recognition by governments of Indigenous Peoples' rights or of traditional governance systems. In some of the most challenging landscapes with high fragility, conflict and violence, all these factors converge.

To take a consistent approach across such a variety of scenarios, WWF is deepening its risk management and quality assurance protocols and systematically rolling out an [Environmental and Social Safeguards Framework](#) across its global network. Implemented at the landscape/seascape level, the Framework, together with WWF's [social policies](#), systemize governance practices that recognise and integrate human rights, transparency, non-discrimination, stakeholder engagement, grievance mechanisms and accountability for WWF supported activities.

The (forthcoming) appointment of an Ombudsperson will provide an independent monitoring and review function, reporting directly to the WWF International Board and with an oversight function for all human rights related complaints. A Human Rights Response Protocol codifies these expectations.

Q.7: Please specify ways in which additional protection is provided (or should be provided) for populations who may be particularly vulnerable to declining biodiversity and degraded ecosystems. How can these populations be empowered to protect and restore declining biodiversity and degraded ecosystems?

In addition to the institutional measures outlined above, WWF offices are using different approaches to actualize HRB approaches such as : a **community driven approach** through **WWF ClimateCrowd** which involves community consultation process on climate change and its impacts on people and nature and working in cooperation with partners to develop and implement solutions to help people and nature to adapt to climate change. In **Colombia**, WWF is utilizing a **participatory planning approach**, engaging with actors at different levels to **promote spaces for dialogue**, and **developing the advocacy capacity of local communities in decision making**. In **Brazil**, WWF is **supporting indigenous and local organizations** to combat fires and strengthen territorial surveillance in the Amazon through projects that are equipping fire brigades and providing territorial management training. The **WWF Governance Practice** is working with multiple WWF offices and their indigenous partners, other Practices and external partners in the early implementation phase of the **People Protecting Landscapes and Seascapes Initiative**, which specifically focuses on supporting Indigenous People and Local Community led conservation and the self-strengthening of indigenous and community conserved governed Lands and Territories. This also includes a collaborative effort on an Inclusive Conservation Academy to build the competencies for inclusive approaches to conservation, among conservation actors but also government and private sector partners. See more on these examples in the Annex.

Q.8:How do you safeguard the rights of individuals and communities working on biodiversity issues (potentially identified as environmental human rights defenders or land defenders)? What efforts has your Government made to create a safe environment for them to freely exercise their rights without fear of violence, intimidation, or reprisal?

In a number of countries where WWF works, governments have developed measures to safeguard the rights of land or environmental human rights defenders. These range from strong laws for indigenous peoples' rights and to eliminate all forms of violence against women (Bolivia), tools and institutional bodies (Colombia), training and capacity building for Honorary Wildlife Wardens (Malaysia) and state and non-state measures (legal aid foundation) (Indonesia). More progress is needed however. In Colombia community leaders continue to be threatened or skilled. In Malaysia, measures are needed to ensure adherence to key principles such as FPIC, including for private companies carrying out development or extraction projects in contested lands and to safeguard environmental defenders. More information is available in the Annex.

Q.9: There is substantial evidence that consumption in high-income States is adversely affecting biodiversity and ecosystems in low and middle-income States. What are ways in which high-income States should assist low-income States in responding to biodiversity loss and ecosystem degradation, while simultaneously contributing to sustainable development in those low-income States?

Consumption patterns in high income states greatly shape the status of biodiversity and ecosystems in low and middle income states. There are various channels in which high income states can

simultaneously respond to biodiversity loss and ecosystem degradation and contribute to sustainable development in low income states. These practices include utilizing voluntary standards (RSPO, MSC, FSC) to help reduce environmental footprint. These standards must also include appropriate human rights criteria: currently the status across standards is mixed. Additional measures proposed include **shifting the measurement of economic success from GDP per capita to more holistic measures** to avoid tradeoffs from short term economic goals with long-term environmental costs, promoting cooperation between high-income and low-income states to ensure that **international food and agricultural companies apply global policies and commitments equally across countries** and **establishing domestic regulatory frameworks** in consumer countries and **bilateral trade policy measures** to reduce the impacts on biodiversity and ecosystems, for instance the French Government's [Strategy to exclude "imported deforestation"](#). **Utilizing safeguards to protect small-scale producers** in low-income states where the unintended impacts of production may reach, and **applying global frameworks** such as the Post 2020 Global Biodiversity framework are other ways to curb biodiversity loss in low-income states.

Q.10: For businesses, what policies or practices are in place to ensure that your activities, products, and services across the entire supply chain (extraction/sourcing, manufacturing, distribution, sale, and end-of life management) minimize biodiversity loss and ecosystem degradation and meet human rights standards, especially those articulated in the Guiding Principles on Business and Human Rights?

The United Nations Human Rights Office of the High Commissioner sets out the foundational guiding principles on business and human rights, with businesses having the responsibility to avoid causing or contributing to adverse human rights impacts through their own activities, and to address such impacts when they occur. They must also seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts. In order to meet their responsibility to respect human rights, business enterprises should have in place policies and processes appropriate to their size and circumstances. This responsibility to respect human rights applies to business enterprises regardless of their size, sector, operational context, ownership and structure.³

Many WWF offices are working to help shape business practices to meet human rights standards and minimize biodiversity loss and ecosystem degradation. In Central America, Malaysia and other offices WWF is working with palm oil, sugarcane and shrimp aquaculture to help ensure producers adhere to **voluntary community standards**. In Bolivia, WWF is working on influencing the private sector to **apply voluntary certification standards** that minimize negative effects on biodiversity conservation. In Central Africa, WWF is working with logging and agro-industry companies present in the region to advocate for the adoption and implementation of best practices that can help minimize negative impacts while maximizing positive ones on Indigenous People and Local Communities. Other measures taken by companies include making public their **corporate policies on NDPE** (No Deforestation Peat and No Exploitation) sourcing; criteria are under development on land and labor rights.

³ United Nations Human Rights OHCHR, 2011. *Guiding principles on business and human rights*. United Nations, Geneva, Switzerland.